

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CLAUDETTE AMPARO,

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X Civil Action No.: 13CV7232 (LGS)

*Plaintiff,*

*-against-*

**INK POINT TATTOO AND BODY PIERCING, INC.,  
d/b/a INK POINT STUDIOS; and PETER SANTACRUZ;  
jointly and severally.**

*Defendants.*

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X STATEMENT OF UNDISPUTED  
FACTS IN SUPPORT OF  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

DEFENDANTS' UNDISPUTED  
MATERIAL FACTS

1. Plaintiff was employed by Defendants at Ink Point Studios located at 373 Audobon Avenue, New York, New York between approximately April 23, 2010, to July 11, 2013.

2. Plaintiff's job duties at Ink Point were limited to piercing, sales, maintaining and cleaning the store, opening and closing, customer service and social media.

EVIDENCE IN SUPPORT OF  
UNDISPUTED MATERIAL FACTS

1. Plaintiff's Complaint ¶¶ 9 & 14.

2. Plaintiff's Complaint ¶ 15; Deposition of Plaintiff Claudette Amparo, 59:24-5; 60:2-11; 62:6-25; and 63: 10-17, attached as Exhibit "A" to Affirmation of Wayne Kreger.

3. Plaintiff did not work for or have any involvement with Defendants' other business, Piercemania.

4. During the entirety of Plaintiff's employment with Defendants, she admits that she was the single and only employee that ever worked at Ink Point Studios.

5. Plaintiff also acknowledged that Piercemania has never had a single employee.

6. In 2010 Ink Point submitted tax returns showing gross earnings in the amount of \$2,158.00; in 2011 the gross earnings were \$19,851.00; in 2012 the gross earnings were \$19,710; and in 2013 the gross earnings were \$18,892.00.

7. In 2010, Piercemania submitted tax returns showing gross earnings in the amount of

3. Deposition of Plaintiff Claudette Amparo, 80:6-8, attached as Exhibit "A" to Affirmation of Wayne Kreger.

4. Deposition of Plaintiff Claudette Amparo, 80:24-5 and 81:2-5, attached as Exhibit "A" to Affirmation of Wayne Kreger.

5. Deposition of Plaintiff Claudette Amparo, 82:22-5, attached as Exhibit "A" to Affirmation of Wayne Kreger.

6. Ink Point's tax returns for the years 2010, 2011, 2012 & 2013 attached as Exhibits "C", "D", "E" & "F", respectively to Affirmation of Wayne Kreger, which were provided to Plaintiff through verified discovery responses (verification Exhibit "N").

7. Piercemania's tax returns for the years 2010, 2011, 2012 & 2013 attached as

\$53,270; in 2011 the gross earnings were \$33,750; in 2012 the gross earnings were \$34,980; and in 2013 the gross earnings were \$57,630.

8. The Santacruz's personal tax returns reveal similar overall earnings between both spouses; in fact, Peter Santacruz acknowledged in his deposition that he was being supported by his wife who earned between \$90,000 to \$100,000 a year while he stayed at home and took care of their children. Even with his wife's salary, the Santacruz's have trouble making ends meet.

9. In 2010, the Santacruz's adjusted gross income (including Ink Point and Piercemania) was \$104,460; in 2011 the gross income was \$106,373; and in 2012 the gross income was \$117,889.

Exhibits "G", "H", "I" & "J", respectively to Affirmation of Wayne Kreger, which were provided to Plaintiff through verified discovery responses (verification Exhibit "N").

8. Deposition of Defendant Peter Santacruz, 87:16-25; 88:1-11 & 90:8-21, attached as Exhibit "B" to Affirmation of Wayne Kreger.

9. The Santacruz's personal tax returns for the years 2010, 2011 & 2012 attached as Exhibits "K", "L" & "M" respectively to Affirmation of Wayne Kreger, which were provided to Plaintiff through verified discovery responses (verification Exhibit "N").

Dated: July 14, 2014

**THE LAW OFFICES OF WAYNE KREGER**

By: \_\_\_\_\_/S/\_\_\_\_\_

Wayne S. Kreger, Esq.

Law Offices of Wayne Kreger

SDNY Bar No.: WK2868

303 Fifth Avenue, Suite 1201

New York, New York 10016

Phone: (212) 956-2136

Fax: (212) 956-2137

E-Mail: [wayne@kregerlaw.com](mailto:wayne@kregerlaw.com)